

p19274

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 26379 Permit 19274 License                     

**ORDER APPROVING A  
NEW DEVELOPMENT SCHEDULE**

**WHEREAS:**

1. Permit 19274 was issued to City of Santa Clara on July 30, 1984, pursuant to Application 26379.
2. A petition for an extension of time within which to apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

**NOW, THEREFORE, IT IS ORDERED THAT:**


1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 2004

(0000009)

Dated: 1 JANUARY 23 1995



61 Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26379 PERMIT 19274 LICENSE                     

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 19274 was issued to City of Santa Clara on July 30, 1984 pursuant to Application 26379.
2. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1989 (0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1993 (0000009)

3. Condition 12 of this permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to

eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated:       **OCTOBER 19 1988**

  
Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
~~THE RESOURCES AGENCY~~  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19274

Application 26379 of City of Santa Clara

1500 Warburton Avenue, Santa Clara, California 95050

filed on May 22, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Stony Creek

Sacramento River

| 2. Location of point of diversion:   | 40-acre subdivision of public land survey or projection thereof | Section   | Township   | Range     | Base and Meridian |
|--|---|-----------|------------|-----------|-------------------|
| <u>Black Butte Dam-North 66°16' West</u><br><u>2,174 feet from SE corner of Section 29</u> | <u>SW<math>\frac{1}{4}</math> of SE<math>\frac{1}{4}</math></u> | <u>29</u> | <u>23N</u> | <u>4W</u> | <u>MD</u>         |
|  |   |           |            |           |                   |
|  |   |           |            |           |                   |
|  |   |           |            |           |                   |
|  |   |           |            |           |                   |
|  |   |           |            |           |                   |

County of Tehama

| 3. Purpose of use: | 4. Place of use:  | Section   | Township   | Range     | Base and Meridian | Acres |
|--------------------|---|-----------|------------|-----------|-------------------|-------|
| <u>Power</u>       | <u>SW<math>\frac{1}{4}</math> of SE<math>\frac{1}{4}</math></u> | <u>29</u> | <u>23N</u> | <u>4W</u> | <u>MD</u>         |       |
|                    |   |           |            |           |                   |       |
|                    |   |           |            |           |                   |       |
|                    |   |           |            |           |                   |       |
|                    |   |           |            |           |                   |       |
|                    |   |           |            |           |                   |       |
|                    |   |           |            |           |                   |       |
|                    |   |           |            |           |                   |       |
|                    |   |           |            |           |                   |       |

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1,600 cubic feet per second to be diverted from January 1 to December 31 of each year. (000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (000007)
8. Construction work shall be completed by December 1, 1987. (000008)
9. Complete application of the water to the authorized use shall be made by December 1, 1991. (000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000011)
12. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. (000012)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000013)
14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (000022)

15. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until permittee has entered into a stream or lake alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of permittee. (0000063)

16. This permit is subject to prior downstream rights, including those defined in the Angle Decree, Equity No. 30. Permittee shall allow access to project facilities to representatives of the State Water Resources Control Board and to the Watermaster appointed by the United States District Court for the Eastern District of California to determine compliance with the terms of this permit. In diverting water permittee shall comply with orders of the Watermaster, unless otherwise directed by the State Water Resources Control Board or its representatives. Permittee shall pay any assessments for its proportionate share of the cost of watermaster service which have been approved by the United States District Court. (0000092)

17. Permittee shall, prior to construction, file a Report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the permittee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in the permit shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

When complying with the Guidelines, pursuant to this condition, the permittee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operations, the permittee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan. (0000102)

18. Water diverted under this permit is for nonconsumptive uses and is to be released to Stony Creek within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 29, T23N, R4W, MD&M. (0000111)

19. No water shall be used under this permit until all necessary federal, state, and local approvals have been obtained, including compliance with any applicable Federal Energy Regulatory Commission requirements. (0000100)

20. Permittee shall comply with the following provision which is derived from the agreement between permittee and the Orland Unit Water Users Association executed November 28, 1983, and filed with the State Water Resources Control Board:

Diversion under this permit shall not interfere with the normal operations of the Orland Project.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, or such other provisions insofar as they are not inconsistent with the terms of this permit. (0000300)

21. Permittee shall comply with the following provisions which are derived from the stipulation between permittee and Glenn-Colusa Irrigation District executed on November 24, 1983, and filed with the State Water Resources Control Board:

1. Water diverted under this permit is for the incidental generation of power from water otherwise released from the Orland Project.
2. Diversion under this permit is specifically subject to the prior rights of the Glenn-Colusa Irrigation District.

Inclusion in this permit of certain provisions of the referenced stipulation shall not be construed as disapproval of other provisions of the stipulation or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (0000024)

22. This permit does not authorize a change in the streamflow regime of Stony Creek. (000H 001)

23. The center line of the intake tunnel of the powerhouse should be at an elevation of approximately 394 feet. (0000999)

24. Permittee shall, upon approval by the California Department of Fish and Game, compensate for any loss of riparian wetland vegetation, that may occur during project construction and operation, by creation of at least an equal area of new riparian wetlands. (0400500)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JULY 30 1984

STATE WATER RESOURCES CONTROL BOARD

*Raymond Walsh*

Chief, Division of Water Rights